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*By Appointment Only*

PLEASE REPLY TO  
ATLANTIC COUNTY OFFICE

April 22, 2014

Via ECF Filing

Hon. Renée Marie Bumb  
United States District Court/Camden  
Mitchell H. Cohen United States Court House  
One John F. Gerry Plaza – Courtroom 4D  
PO Box 887  
Camden, New Jersey 08101

Re: Taharqu Dean v. Deptford Township et al.  
**Civil Action Number:** 13-cv-05197-RMB-KMW  
Qual-Lynx File Number: X122590  
Our File Number: 46640-35

Dear Judge Bumb:

Our firm represents Defendants, Deptford Township, Chief of Police Daniel Murphy, Michael DiVito and John Storms in the above-noted matter.

Please accept this letter brief on behalf of the Deptford Defendants as a response to Plaintiff's Motion for Leave to File an Amended Complaint and specifically a response to the Opposition filed by the Gloucester County Defendants. The Court has scheduled oral argument on Plaintiff's Motion for Leave to File an Amended Complaint and for Defendant Cohen's request for a pre-hearing conference for April 29, 2014, at 2:30 p.m.

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The Deptford Defendants agree with the Facts and Procedural History as set out in the Opposition Brief filed by the Gloucester County Defendants [ECF Document 65, pages 2-3], with the exception of the final statement in that section, which states, “None of the newly added counts allege any specific action or inaction as to any Gloucester County officer.” This statement requires clarification in two respects.

First, there are additional factual allegations as to Defendant Brandon Cohen, who upon information and belief, is an employee of Gloucester County as an Investigator for the Gloucester County Prosecutors Office. (ECF 58-1, pages 10-11).

Second, paragraph seventy-eight (78) of Plaintiff’s proposed Count VII-Assault states, “Defendants used unreasonable and unnecessary force including severely beating Plaintiff for several days.” Since the Deptford Defendants did not have Plaintiff in custody for several days, presumably this paragraph and perhaps the entire count refers only to the Gloucester County Defendants.

The Gloucester County Defendants also argue that Counts IV, V, VI and VIII do not include any factual allegations that would implicate any Gloucester County corrections officers. [ECF 65, page 5]. The Deptford Defendants disagree with this statement based upon the allegations set forth in paragraph seventy-eight of Plaintiff’s proposed Amended Complaint. [See above]. In the interest of clarity, Defendants respectfully request that the Court deny Plaintiff’s Motion to Amend the Complaint in its current form; and, in the event that Plaintiff does subsequently move to amend the Complaint that he be required to specifically identify which Counts apply to which Defendants.

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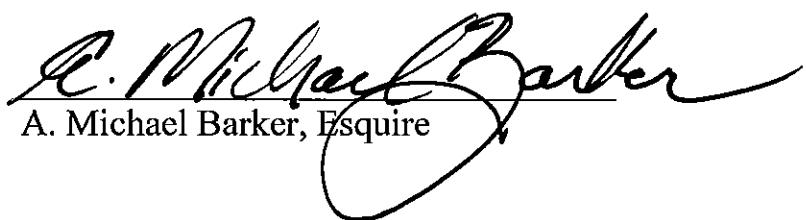
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Thank you for your consideration.

Very Truly Yours,

**BARKER, GELFAND & JAMES**  
**a Professional Corporation**

By:



A. Michael Barker, Esquire

AMB/vej

cc:

Matthew B. Weisberg, Esquire  
Attorney for Plaintiff

Patrick J. Madden, Esquire  
Attorney for Gloucester County Defendants

Matthew Weng, Esquire  
Attorney for Defendant Cohen